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09/409,598	09/30/1999	CHRISTOPHER SHANE CLAUSSEN	AT9-99-412	5606

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EXAMINER

BIENEMAN, CHARLES A

ART UNIT

PAPER NUMBER

2176

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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This action is responsive to the following communications: original application filed on September 30, 1999, Information Disclosure Statements filed on November 30, 2001, and September 24, 2002, and Formal Drawings filed on November 30, 2001.
2. Claims 1-23 are pending. Claims 1, 11, 17, 22, and 23 are independent claims.

Information Disclosure Statement

3. In the Information Disclosure Statements filed November 30, 2001, and September 24, 2002 the crossed-out references were not considered because their publication dates are after the application's filing date.

Drawings

4. The corrected or substitute drawings were received on November 30, 2001. These drawings are approved.

Specification

5. The specification is objected to because it contains a copyright notice that does not conform with 37 CFR 1.71, which provides in relevant part:

(d) A copyright or mask work notice may be placed in a design or utility patent application adjacent to copyright and mask work material contained therein. The notice may appear at any appropriate portion of the patent application disclosure. For notices in drawings, see § 1.84(s). The content of the notice must be limited to only those elements provided for by law. For example, “©1983 John Doe”(17 U.S.C. 401) and “*M* John Doe” (17 U.S.C. 909) would be properly limited and, under current statutes, legally sufficient notices of copyright and mask work, respectively. Inclusion of a copyright or mask work notice will be permitted only if the authorization language set forth in paragraph (e) of this section is included at the beginning (preferably as the first paragraph) of the specification.

(e) The authorization shall read as follows:
A portion of the disclosure of this patent document contains material which is subject to (copyright or mask work) protection. The (copyright or mask work) owner has no objection to the facsimile reproduction by any- one of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all (copyright or mask work) rights whatsoever.

Appropriate correction is required.

6. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

7. The use of the trademark “JAVA” has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

8. A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because the specification and claims are single-spaced in some places and are replete with typographical errors, most often the omission of a space between words and/or numbers.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Claim Objections

9. Applicant is advised that should claim 1 be found allowable, claim 23 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application

are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). It is noted that both claims are essentially method claims reciting identical steps.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. **Claim 8** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "the flat file" in the claim. There is insufficient antecedent basis for this limitation in the claim. It is noted that claim 1 recites a "given file" but not a "flat file."

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 1-3, 6-8, 10, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Antone Gonsalves, "Lutris Server Divides Duties," printed from www.zdnet.com/zdnn, posted July 11, 1999, in view of Peligri-Lopart et al., *JavaServer Pages™ Specification*, Version 1.1 – Public Release, August 18, 1999, both provided by applicants in their Information

Disclosure Statement filed September 24, 2002. With respect to the rejection of each dependent claim below, the preceding rejection(s) of the relevant base claim(s) is incorporated therein.

Regarding **independent claim 1**, Gonsalves teaches processing a given file into XML-compliant code inasmuch as he states that the Lutris compiler converts HTML to XML. (Gonsalves, lines 25-26.)

Further, Gonsalves teaches translating the XML compliant code into an object model representation. (Gonsalves, lines 26-27: “The conversion of XML to Java is based on the Document Object Model specification of the World Wide Web Consortium.”) Gonsalves does not teach that the object model representation has at least one custom tag. However, Peligrilopart et al. teach use of custom tags in lines 1-2 of page 86, and further provided motivation to do so by explaining in lines 4-6 that custom tags can be used to easily provide information to authoring tools. Therefore, it would have been obvious to one of ordinary skill in the art to have extended the teaching of Gonsalves to translate the XML compliant code into an object model representation having at least one custom tag.

Further, Gonsalves teaches processing the object model representation to generate executable code inasmuch as Gonsalves teaches conversion of XML to Java. (Gonsalves, lines 26-27, quoted above.)

Further, Gonsalves teaches invoking the executable code to generate a web page inasmuch as Gonsalves teaches in lines 1-2 a “new Java/XML application server technology” and further teaches in lines 28-29 that “[t]he Java class, which is invoked by the business logic written by the developer, is packaged in a JAR file, which can be run on Enhydra or another Java application server.”

Regarding **independent claim 23**, the rejection of claim 1 above is fully incorporated herein.

Regarding **dependent claim 2**, Gonsalves does not teach parsing the object model representation to identify a custom tag. However, it would have been obvious to one of ordinary skill in the art to parse the object model representation to identify a custom tag in view of Peligri-Lopart et al. because one of ordinary skill would have recognized that a custom tag would not have been useful as discussed above regarding claim 1 unless the document object model was parsed to identify it.

Further, Gonsalves does not teach upon identifying a custom tag, invoking a handler that converts the custom tag into a given representation. However, Peligri-Lopart et al. teach custom tag handlers in line 1 of Section 5.1.2 on page 87 and also teach converting the custom tag into a given representation in lines 8-9 on page 89 inasmuch as they state that “[a] custom tag may create some server-side objects and make them available to the scripting elements by creating or updating some scripting variables to refer to these scripts.” Moreover, one of ordinary skill in the art would have been motivated to invoke such a custom tag handler by the benefits of custom tags discussed above regarding claim 1. Therefore, it would have been obvious to one of ordinary skill in the art to invoke a handler that converts the custom tag into a given representation.

Regarding **dependent claim 3**, Gonsalves does not teach that the given representation is script code. However, Peligri-Lopart et al. teach that the given representation is script code inasmuch as they state in lines 9-10 on page 86 that custom tags “can create new objects that can then be passed to other tags or can be manipulated programmatically through a JSP scripting

language.” Moreover, one of ordinary skill in the art would have been motivated to take this step because one of ordinary skill would have recognized that having script code in a web page would be useful because web pages were generally written in HTML which would have offered additional functionality with embedded scripts. Therefore, it would have been obvious to one of ordinary skill in the art to have made the given representation is script code.

Regarding **dependent claim 6**, Gonsalves inherently teaches a Java handler inasmuch as Gonsalves teaches the conversion of XML to Java as discussed above regarding claim 1. Moreover, it would have been obvious to one of ordinary skill in the art to invoke a Java handler to convert a custom tag for the reasons discussed above regarding claim 2.

Regarding **dependent claim 7**, loading a Java object and calling a process method on the Java object is inherent in invoking a Java handler for a custom tag, the obviousness of which was discussed above regarding claim 6, because the Java handler would have had to have been loaded to operate, and moreover it would have been invoked by a method call.

Further, it would have been obvious to one of ordinary skill in the art to replace the custom tag with the given representation for the reasons stated above regarding the recitation in claim 2 of converting a custom tag into a given representation.

Regarding **dependent claim 8**, Gonsalves and Peligri-Lopart et al. do not disclose registering the custom tag together with data identifying a handler prior to processing the given file. However, this step would have been obvious to one of ordinary skill in the art because one of ordinary skill would have recognized that in order to use the handler to process the tag the application would have to have to know of, *i.e.*, have registered, their association.

Regarding **dependent claim 10**, Gonsalves teaches that the object model representation is a tree data structure inasmuch as Gonsalves teaches the Document Object Model specification of the World Wide Web Consortium as discussed above regarding claim 1.

14. **Claims 4-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonsalves and Peligri-Lopart et al. as applied to claim 2 above, and further in view of WorldWide Web Consortium, *Extensible StyleSheet Language (XSL) Specification*, W3C Working Draft 21 April 1999, found online at www.w3.org/TR/1999/WD-xsl-19990421/ (hereinafter *XSL Specification*).

Regarding **dependent claim 4**, Gonsalves and Peligri-Lopart et al. do not teach that the handler is a stylesheet handler. However, *XSL Specification* teaches the use of XSL stylesheets for transforming XML documents (*XSL Specification*, Abstract) and further provided motivation for one of ordinary skill in the art to use XSL stylesheets by explaining in lines 9-12 on page 10 that XSL allows page designers to express their intentions about how a document should be formatted. Therefore, it would have been obvious to one of ordinary skill in the art to make the handler a stylesheet handler.

Regarding **dependent claim 5**, Gonsalves and Peligri-Lopart et al. do not teach loading a stylesheet. However, it would have been inherent in *XSL Specification*'s teaching of a stylesheet to load the stylesheet when the stylesheet handler was invoked, and this step therefore would have been obvious to one of ordinary skill in the art for the reasons stated above regarding dependent claim 4.

Further, Gonsalves and Peligri-Lopart et al. do not teach passing the stylesheet and the object model representation to a processor. However, *XSL Specification* teaches in lines 14-19 of that an XSL stylesheet processor accepts an XML document and a stylesheet and that the XML

document is interpreted as a tree, *i.e.*, a document object model. Therefore, for the reasons stated above regarding dependent claim 4, it would have been obvious to one of ordinary skill in the art to pass the stylesheet and the object model representation to a processor.

15. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonsalves and Peligri-Lopart et al. as applied to claim 1 above, and further in view of David Wood et al., *XMLC Tutorial*, Version 1.02, 1 July 1999, found online at staff.pissoftware.com/dwood/xmlc-tutorial/.

Gonsalves and Peligri-Lopart et al. do not teach that the executable code is a servlet. However, Wood et al. teach in lines 29-31 on page 1 on the section entitled “Introduction” that the product discussed by Gonsalves uses servlets because they are much more efficient than CGI scripts, suggesting that they are efficient in general. Therefore, it would have been obvious to one of ordinary skill in the art to make the executable code a servlet.

16. **Claims 11-14, 16-19, and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. in view of Gonsalves and Peligri-Lopart et al.

Regarding **independent claim 11**, Wood et al. teach translating the XML into a document object model in the last two lines of page 2 of the Section entitled “Creating Dynamic Content”. While Wood et al. do not teach that the DOM has a subset of the custom tags, this element would have been obvious in view of the obviousness, discussed above, of registering a set of custom tags.

Further, Wood et al. teach processing the document object model to generate a servlet in lines 29-33 on page 1 on the section entitled “Introduction”.

Further, Wood et al. teach compiling the servlet into executable code on page 3 of the section entitled “Introduction” under the sub-heading “Using XMLC”.

Further, Wood et al. teach invoking the executable code to generate the web page on the last line of page 7 in the Section entitled “Creating Dynamic Content”. (“When the `toString()` method of the page class is finally called, it will create the HTML that the user will see.”)

Further, Wood et al. do not teach registering a set of custom tags. However, Peligri-Lopart et al. teach such a step inasmuch as in lines 1-4 of Section 2.7.7 on page 50 they teach a collection of tags called a “tag library” and further teach that the tags are identified with a “taglib” directive. The benefits of centrally maintained, reusable components were well known in the art at the time of applicants’ claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art to have registered a set of custom tags.

Wood et al. do not explicitly teach processing a flat file into XML. However, as noted above regarding claim 1, Gonsalves teaches processing a flat file into XML, and teaches doing so upon a given occurrence inasmuch as Gonsalves teaches that this processing is done when a file “is run through the Lutris compiler” in line 25. Moreover, such a step would have been obvious to one of ordinary skill in the art because one of ordinary skill would have recognized that a web developer might wish to generate a Java servlet from a pre-existing HTML page.

Regarding **independent claim 17**, Wood et al. teach a computer program product in a computer-readable medium for the serving of a web page from a server inasmuch as they teach in lines 8-10 on page 1 of the section entitled “Introduction” XMLC, “a Java-based compiler that takes a document written in [HTML or XML] and creates Java classes that will faithfully recreate the document.”

Further, the rejection of claim 11 above is fully incorporated herein.

Regarding **independent claim 22**, Wood et al. disclose use of the Java application server Enhydra (Wood et al., lines 28-31 of the section entitled “Introduction”), and thus inherently teach use of a processor and an operating system.

Further, the rejection of claim 11 above is fully incorporated herein.

Regarding **dependent claim 12**, Wood et al. do not teach that the given occurrence is a first access of the web page. However, one of ordinary skill in the art would have recognized that it would be necessary to invoke the recited process upon a first access of the web page, and that there would be no point to expending the resources to do so prior to that time. Therefore, it would have been obvious to one of ordinary skill in the art to make the given occurrence a first access of the web page.

Regarding **dependent claim 13**, Wood et al. teach on page 3 of the Section entitled “Creating Dynamic Content” that the document object model is a tree structure inasmuch as there is displayed therein a document object model in a hierarchical tree structure.

Regarding **dependent claims 14 and 19**, Wood et al. do not teach parsing the object model representation to identify a custom tag. However, it would have been obvious to one of ordinary skill in the art to parse the object model representation to identify a custom tag in view of Peligri-Lopart et al. because one of ordinary skill would have recognized that a custom tag would not have been useful as discussed above regarding claim 1 unless the document object model was parsed to identify it.

Further, Wood et al. do not teach upon identifying a custom tag, invoking a handler that converts the custom tag into script code. However, Peligri-Lopart et al. teach custom tag handlers in line 1 of Section 5.1.2 on page 87 and also teach converting the custom tag into a

given representation in lines 8-9 on page 89 inasmuch as they state that “[a] custom tag may create some server-side objects and make them available to the scripting elements by creating or updating some scripting variables to refer to these scripts.” Moreover, one of ordinary skill in the art would have been motivated to invoke such a custom tag handler by the benefits of custom tags discussed above regarding claim 1. Also, one of ordinary skill in the art would have been motivated to take this step because one of ordinary skill would have recognized that having script code in a web page would be useful because web pages were generally written in HTML which would have offered additional functionality with embedded scripts. Therefore, it would have been obvious to one of ordinary skill in the art to invoke a handler that converts the custom tag into script code.

Regarding **dependent claims 16 and 21**, Wood et al. teach executing a Java code object on the last line of page 7 in the Section entitled “Creating Dynamic Content”, as noted above regarding claim 11.

Further, Wood et al. do not teach applying an XSL stylesheet to generate script code. However, but this step would have been obvious over Peligri-Lopart et al. as noted above regarding claim 14.

Regarding **dependent claim 18**, Wood et al. do not teach registering a superset of custom tags. However, Peligri-Lopart et al. teach such a step inasmuch as in lines 1-4 of Section 2.7.7 on page 50 they teach a collection of tags called a “tag library” and further teach that the tags are identified with a “taglib” directive. The benefits of centrally maintained, reusable components were well known in the art at the time of applicants’ claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art to have registered a superset of custom tags.

17. **Claims 15 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. and Peligri-Lopart et al. as applied to claim^s14 ^{and 17} above, and further in view of *XSL Specification*.

(XSL 2-27-03)

Wood et al. do not teach applying an XSL stylesheet to generate script code, but this step would have been obvious over Peligri-Lopart et al. as noted above regarding claim 16.

Further, *XSL Specification* teaches the use of XSL stylesheets for transforming XML documents (*XSL Specification*, Abstract) and further provided motivation for one of ordinary skill in the art to use XSL stylesheets by explaining in lines 9-12 on page 10 that XSL allows page designers to express their intentions about how a document should be formatted. Therefore, it would have been obvious to one of ordinary skill in the art to have applied an XSL stylesheet to generate the given script code.

Double Patenting

18. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

19. Claims 1-23 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-20 of copending Application No. 09/409,600, claims 1-20 of copending

Application No. 09/409,372 and claims 1-20 of copending Application No. 09/409,376. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending applications and would be covered by any patent granted on those copending applications since the referenced copending application and the instant application are claiming common subject matter, as follows: parsing a document object model and inserting code into it based on identification of a tag, and then generating and executing the code.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number	Name	Issue Date	File Date	
6,456,308 B1	Agranat et al.	9/24/02	8/8/97	
6,380,561 B1	Allard et al.	4/9/02	4/5/99	
6,308,198 B1	Uhler et al.	10/23/01	11/30/98	
6,266,681 B1	Guthrie	7/24/01	4/8/97	
6,247,044 B1	Gosling et al.	6/12/01	5/18/99	
6,226,675 B1	Meltzer et al.	5/1/01	10/16/98	
6,212,640 B1	Abdelnur et al.	4/3/01	3/25/99	
6,188,401	Peyer	2/13/01	3/25/98	
6125,391	Meltzer et al.	9/26/00	10/16/98	
5,835,712	DuFresne	11/10/98	5/3/96	

WorldWide Web Consortium, *Document Object Model (DOM) Level 1 Specification*, Version 1.0, W3C Recommendation 1 October 1998, pp. 1-47.

News Release, Lutris™ Delivers XML Compiler Leading to Open Source Application
Server, July 6, 1999, found online at

www.enhydra.org/aboutEnhydra/newsAndEvents/news/Enhydra_2.1.html.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Bieneman whose telephone number is 703-305-8045. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

CAB
February 26, 2003

Heather Herndon
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